

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**September 1, 2016**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on September 1, 2016 at 6:00 p.m. in the Council Chambers at City Hall. Mayor Edward Johnson called the meeting to order, followed by Opening Prayer and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Harlan Shirley, Kathaleen Brewer, Paul Oddo, Scott Stacy, and James Williams. Staff members present were Assistant City Manager Alan Jones and City Clerk Anne Barksdale.

Stacy moved to approve the agenda but with the Addition to Table Item #11 – Consider Amended IGA – Annexation Consent Agreement Pinewood Forrest Development. Brewer seconded the motion. Motion carried unanimously.

Stacy moved to approve the minutes of the Regular City Council Meeting of August 18, 2016 with the following changes: Change Mayor Johnson to Mayor Pro Tem Stacy and note Councilmember Kathaleen Brewer was absent as was Mayor Johnson. Shirley seconded the motion. Motion carried 4-0-1, Brewer abstained.

Brewer moved to approve the minutes of the August 25, 2016 Called City Council 10am meeting. Shirley seconded the motion. Motion approved 4-0-1, Stacy abstained.

Shirley moved to approve the minutes of the August 25, 2016 Called City Council 6pm meeting. Oddo seconded the motion. Motion carried unanimously.

**Public Hearings:**

Mayor Johnson called Consider #0-14-16 – Amendment 1 to Budget FY2017 – Public Hearing and 1<sup>st</sup> Reading.

Mike Bush, Director of Finance and Administration stated this presentation will cover General Fund and Capital Project Fund budgets, for an overview of each Fund's amendments.

There were no public comments.

Mayor Johnson stated this was posted for 1<sup>st</sup> Reading.

Mayor Johnson called Consider #0-15-16 – Amendments to Alcohol Ordinance – Chapter 10 – Public Hearing.

Brian Wismer, Director of Economic Development stated the proposed amendments to Chapter 10 (Alcoholic Beverages) of the City's Code of Ordinances will provide updates to sampling allowances in growler stores, create new and distinct definitions and procedures for licensing of Special Events and Catered Functions, and assign uniform license and application fees for all available licenses within the City.

He explained, in 2012 the City created new permitted uses in the Main Street district to include growler stores, wine bars, brewpubs and microbreweries. The Council enacted these changes proactively at the time, to help with recruitment efforts for new businesses and attractions within the downtown district. The DDA has recently been able to recruit a new growler store at 101 South Glynn Street, and with that came discussions regarding the ordinance as originally crafted.

Since 2012 the growler industry has evolved. Growler stores in other communities now offer "flights", which typically consist of four craft beer samples of four ounces each. Also common, is to allow "limited pours" of beer to patrons, either following the purchase of a flight, or just for a single serving of craft beer. The ability to offer samples in this limited fashion has been shown in other communities to be an effective way to promote sales and continue business growth.

Mr. Wismer said the ordinance amendment will allow growler store patrons the option of purchasing one flight, plus one limited pour up to 16 ounces within a 24-hour period (32 total ounces). As an alternative, a patron could purchase two limited pours without a beer flight, with the same maximum allowance of 32 ounces per 24-hour period.

Regarding special event permits where alcohol is served in the City, the current language in the ordinance needs clarification in order to differentiate between entities who are already licensed in the City, and those licensed only by the state. The creation of definitions and procedures for "Special Events" and "Catered Functions" will provide clarity for those seeking to do business in the City, as well as for staff who processes the applications. Much of this portion deals with clerical and administrative updates, but essentially, Special Events will address procedures for those not licensed by the City, and Catered Functions creates procedures for businesses currently licensed by the City for on-premises consumption.

He added, the ordinance amendment also creates the option for applicants to serve distilled spirits at Special Events and Catered Functions, where currently only malt beverages and wine are permitted. For example, under this amendment, an applicant for a community event held around Cinco de Mayo may now apply to serve frozen margaritas, or a Kentucky derby-themed event could apply to serve mint juleps. Creating these license options could help inspire new events and community gatherings in the City.

Lastly, the update assigns uniform license fees and application fees to all licenses currently available in the City so that all fee and application amounts can be more quickly and easily located within the ordinance. Currently, this information appears in numerous places as amendments have been made

throughout the years. This will improve the ability of Staff to more easily administer license processing and answer public inquiries.

The proposed amendments will serve to improve the administrative handling of alcohol licenses, and create opportunities to further the goals that are defined in the City's Comprehensive Plan for the Main Street Historic District. For these reasons, Staff recommends approval of the proposed amendments to the alcohol ordinance.

There were no public comments.

Shirley moved to approve #0-15-16 – Amendments to Alcohol Ordinance – Chapter 10. Stacy seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider #0-16-16 – Consider Text Amendments to Sec. 94-174.2 Zoning Ordinance – Gas Stations – Public Hearing.

Jahnee Prince, Planning and Zoning Director stated Section 94-174 of the City of Fayetteville Zoning Ordinance regulates gas stations. The location of gas stations, buffers, setbacks, architectural and lighting requirements, and distance requirements from schools and stored flammable materials are included in Section 94-174. Section 94-174.4 Paragraph 3 spells out specific architectural design and materials requirements for gas stations that are located in the Main Street Architectural Overlay District.

Section 94-174.2 states, standards applying to the dimensions of gasoline or convenience store service stations, currently allows up to twelve double-sided gasoline pumps to be situated on the station lot but does not address the Main Street Architectural Overlay District specifically. The Main Street Architectural Overlay District is intended to ensure that new structures fit in with the historic structures of Downtown Fayetteville that were built between 1880 and 1920. The Main Street Architectural Overlay District addresses architectural design (including scale) and materials, but also addresses site design.

She said, because architectural design and materials for gas stations are already addressed in the ordinance, staff is recommending a text amendment to address the scale of gas stations, specifically to address the number of gas pumps. The following text amendments to Sec. 94-174.2., Standards applying to the dimensions of gasoline or convenience store service stations, Paragraph 1, to create smaller scale gas stations that will be appropriate for historic downtown character of the Main Street Architectural Overlay District are proposed. Inserted text is underlined.

Amended version: With respect to the dimensions of stations, the following restrictions shall apply:  
(1) Within any highway commercial (C-3), high intensity commercial (C-4), light manufacturing (M-1) or heavy manufacturing (M-2) zoning district, there shall not be more than twelve double-sided gasoline pumps situated on the station lot, unless located within the Main Street Architecture Overlay District, in which there shall not be more than 6 double-sided gasoline pumps situated on the station lot.

Ms. Prince added, at the August 23<sup>rd</sup> Planning and Zoning Commission meeting, the Commission recommended approval of the text amendments to Sec. 94-174.2., Standards applying to the dimensions of gasoline or convenience store service stations, Paragraph 1.

Councilmember Oddo asked, would it be detrimental economically or otherwise if the City allowed 24 pumps in MS Area?

Ms. Prince answered, yes. Our historic architectural & site design requirements are based on the economic development value of having a historic district, a historic downtown. Historic districts and restrictions on architecture and site design in them has held up in court because they support an economic development function; having a historic downtown is good for your economy. So by undoing that, by allowing something not consistent with the historic theme it does impact neighboring properties and businesses in terms of their property values which may be lessened by taking away from the historic theme of the district.

Public comment was made by resident Al Hovey-King, stating the first station in the Main Street District, Cornerstone Chevron has done well all these years with fewer pumps than the allowed 12.

Resident Larry Dell added stations with more pumps increases the amount of lighting in the neighborhood and also adds noise and extra vehicles. We need to keep the Main Street District historical. Gas stations with fewer pumps will do that.

Shirley moved to approve #0-16-16 – Consider Text Amendments to Sec. 94-174.2 Zoning Ordinance – Gas Stations. Stacy seconded the motion. Motion carried unanimously.

Mayor Johnson called #0-17-16 – Annexation Request – 1373 Highway 85N for BioLife Donation Center – Public Hearing.

Mayor Johnson stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Johnson asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

All Council Members and Mayor Johnson responded no.

Mayor Johnson asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

All Council Members and Mayor Johnson responded no.

Mayor Johnson asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Anne Barksdale, City Clerk, responded that no disclosure reports had been filed.

Mayor Johnson stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Johnson requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Johnson stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Jahnee Prince, Director of Planning and Zoning stated, the six-acre site is located at 1373 Highway 85 North in Fayette County, and is currently zoned AR (Agricultural/ Residential). The property currently houses a one-story residential dwelling with attached carport and a detached accessory building. Both structures will be demolished for construction of the proposed blood plasma donation center.

Adjoining properties and zoning are as follows:

- To the north is zoned C-3 (Highway Commercial) City
- To the south is zoned CH (Commercial Highway) County
- To the east is zoned R-40 (Single Family Residential) County
- To the west is zoned C-2 (Community Commercial) City

She said, the applicant is seeking annexation into the City of Fayetteville and a zoning designation of C-2 (Community Commercial) to allow for development of a blood plasma donation center. The center averages 1,500 to 3,000 donations per week, and donors receive \$25 to \$50 compensation on a reloadable debit card. Hours of operation will be Monday-Saturday 8:00am -6:00pm.

The proposed concept plan shows a 16,686 square feet, single story center that would contain 72 beds and employ up to 60 people. The four sided brick structure would be placed near the rear/eastside of the site. Ingress and egress for the center is proposed via two entrances on Highway 85 North. Proposed parking is 182 spaces; this exceeds the minimum parking requirement for

medical office by 50 spaces. There are an additional 40 future parking stalls also shown on the concept plan.

**Sec. 94-483. - Minimum number of off-street parking spaces required.**

- (19)

*Medical and dental offices.* One space per employee, plus one space for each examining room.

Ms. Prince explained, City staff conducted a review of the concept plan and identified the following concerns to the applicant.

- The size of the building and proposed parking spaces may exceed the 60% impervious surface limit.
- Curb Cuts (city code will not allow the two proposed curb cuts)

**Sec. 94-203. - General standards.**

*(c) Access location and design*

- (1) A minimum distance of 500 feet shall be maintained between all access points onto the corridor, including private driveways, roads, public intersection and public right-of-way. Spacing will be measured from the midpoint of each driveway, road, public intersection, on public right-of-way.
- Adjoining county residents contacted city staff to express concerns over the amount of activity the center would generate and the effect it may have on their quality of life. They requested a six-foot privacy fence be installed along the east property line. To reduce noise, the residents also requested the proposed location of the dumpster be moved to the north side of the property that abuts commercial zoning.

Ms. Prince continued, the Comprehensive Plan places the surrounding City properties along the east Highway 85 corridor in the *Neighborhood Mixed Use* character area. Within Neighborhood Mixed Use, the following description is given:

*Mixed land uses appropriate for a more residential, less densely populated area. These land uses provide a transition from downtown mixed- use to residential and other land uses. This area allows for an appropriate level of commercial and office activities that have a minimal impact on the surrounding residential uses. A balance of residential uses appropriate for this area can include single-family detached, townhouses, and condominiums. Appropriate non-residential uses include neighborhood scale retail and service businesses and public institutional and professional uses.*

BioLife currently has three locations in Georgia (Douglasville, Warner Robins and Snellville). If approved in Fayetteville, this location would serve several surrounding counties (1,500 to 3,000 donations per week). The applicant's request is not consistent with the Comprehensive Plan, which calls for neighborhood scale retail and service businesses that will have a minimal impact on the surrounding residential uses. With 1,500 to 3,000 donations per week, this regional center will generate at least 3,000 to 6,000 traffic trips per week from donors alone. The requested C-2 (Community Commercial) zoning is intended to serve surrounding residential neighborhoods, not a multi-county region.

She added, based on the analysis stated above concerning the scale of the proposed BioLife facility, the 1,500 to 3,000 donations per week, and the resulting number of estimated traffic trips that will be generated (3,000 to 6,000 per week from donors, plus staff and delivery trips) the applicant's request is not consistent with the Comprehensive Plan.

Staff recommends denial of the annexation/rezoning request. She also said at the August 23, 2016 meeting, the Planning & Zoning Commission unanimously recommended denial of the annexation rezoning request.

Janet Spaulding, Jeffery Parke, and Eric Drazkowski, all representing Shire/BioLife elaborated on their project and answered questions from Council and residents.

Kathy McCoy and Salli Rees, property owners (Ellis Farm) where the proposed project would be located, spoke in favor of BioLife locating there.

Art and Beth Capehart, neighbors at 125 Foxhunt Court behind the proposed business, voiced concerns over crime and safety concerns. Mr. Capehart also requested a six-foot wooden privacy fence between his property and the business. He asked why this business didn't want to locate in a medical district.

Resident Larry Dell also asked why they were asking for C-2 zoning and not M-O. He said to put this at the hospital area.

Councilmember Oddo stated he did some research himself and talked to a major syndicator that specializes in buying and leasing properties back and also (syndicating) property to investors. He said they paid \$8 million for a BioLife, in August and he was told the credit-worthiness of BioLife was topnotch, there were no problems with other facilities they own, so he gathered they were in good shape; they checked out financially. He said investors plan to buy three more stores next month.

Councilmember Oddo continued, saying traffic seemed to be an issue with BioLife's 3,000-6,000 trips/week being too much. He said he called Wells Fargo (Southside) and they have only 2500 trips/week. He called Chick fil A (Northside) and they have 12,000 trips/week, so 6,000 trips/week for BioLife is not too much.

Lastly he said, his take on the Comprehensive Plan area shows Regional Commercial. Although BioLife is not in the City, not part of the plan, everything around is heavy red, regional commercial. It goes with the community character map of the area.

Stacy moved to Deny #0-17-16 – Annexation Request – 1373 Highway 85N for BioLife Donation Center. Shirley seconded the motion. Motion to Deny approved 3-2. For: Stacy, Brewer, Shirley. Against: Oddo and Williams.

Mayor Johnson called #0-18-16 – Rezoning Request – 1373 Highway 85N for BioLife Donation Center – Public Hearing.

Mayor Johnson stated we will not entertain the rezoning request since the annexation request for BioLife was denied.

### **New Business:**

Mayor Johnson called Consider Adoption of 2016 Digest.

Mike Bush, Director of Finance and Administration stated Staff is recommending a millage rate of 3.874 for calendar year 2016 as indicated on the form PT32.1 – Computation of Millage Rate Rollback and Percentage Increase in Property Taxes. This millage rate will not be rolled back in 2016. The millage equivalent of reassessed value is an increase of 0.128 mills over 2015's mill rate. The digest for calendar year 2015 increased by 4.78% over calendar year 2015 for the reassessment of existing real property.

General Fund's millage rate will be 3.015 mills and Capital Projects Fund's millage rate will be 0.859 mills for the 2015 digest. A mill will be worth \$815,305 which equates to total digest taxes of \$3,159,222. In comparison to 2014 total digest taxes this is an increase of \$144,129.

He said, attached are the required documents; Form PT-38, City Millage Rate Certification, Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Year 2015 form, and the City of Fayetteville 2015 Tax Digest and 5 Year History of Levy. The Form PT-38 and the Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Year 2015 form can be signed by the City Manager upon approval of the millage rate of 3.874 mills by the City Council.

Brewer moved to approve the 2016 Digest as presented. Shirley seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider Advertising Agreement with Legacy Media, LLC (The Bear FM).

Brian Wismer, Director of Economic Development stated recently, City Council dedicated certain funds for the purposes of creating awareness of upcoming events and attractions, and promoting tourism to the City. Funds in the amount of \$10,000 were marked for advertising expenses with 92.5 The Bear FM, contingent on their relocation to downtown Fayetteville.

The advertising agreement under consideration is a one-year agreement, automatically renewable for three additional years with Legacy Media, LLC who operates 92.5 The Bear FM. The contract stipulates the amount of advertising received annually and the value of each advertising piece. Promotional pieces include one on one, monthly interviews; station ID's on the hour; and standard commercial spots. The cumulative value of these promotions will far exceed the City's monetary annual investment, and should be beneficial in increasing awareness of City events and happenings. Also, the relocation of their broadcast studio to downtown Fayetteville will create a new point of



interest on the square, as the DJ's will be visible through the large windows of that commercial space during their live broadcasts.

For these reasons, he said Staff recommends approval of the advertising agreement as presented.

Shirley moved to approve Advertising Agreement with Legacy Media, LLC (The Bear FM). Oddo seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider Amendments to Planning and Zoning Commission Bylaws.

Jahnee Prince, Director of Planning and Zoning stated this is basically a housekeeping item. Staff is proposing clarifications to the language in the City of Fayetteville Planning and Zoning Commission Bylaws regarding how a quorum is determined and under what circumstances the Chair will cast a vote.

Section IV. Officers, Quorum and Affirmation of Motions, Paragraph B, Quorum, states that four voting members must be present to in order for the Planning and Zoning Commission to take action on any matter. This language may be confusing because the Chair does not cast a vote unless there is a tie.

Among other matters, Section IV. Officers, Quorum and Affirmation of Motions, Paragraph C, Decisions of the Planning Commission, spells out the circumstances under which the Chair of the Planning and Zoning Commission may vote.

Section 2-169 of the Fayetteville City Code addresses Quorum for the Planning and Zoning Commission and provides guidance in this matter. This section states "Four of the six commissioners must be present to constitute a quorum for a regularly scheduled or called meeting." Section 2-169 is silent to the titles of the individual commissioners in attendance at meetings but the Planning and Zoning Commission Bylaws require that there is a Chair, or acting Chair (could be the Vice Chair or another member serving as the Chair), at every meeting.

She said Staff is proposing the following text amendments to the Planning and Zoning Commission Bylaws Section IV. Officers, Quorum and Affirmation of Motions, Paragraph B, Quorum, and Paragraph C, Decisions of the Planning Commission, to improve clarity and ensure consistency with Section 2-169 of the Fayetteville City Code. Deletions are shown with a strikethrough and insertions are underlined.

B. Quorum: To constitute a quorum for the transaction of business, there shall be required to be present at any meeting of the Planning Commission at least four (4) voting members, which may include the Chair. If said quorum is not present, the Planning Commission may not take action on any matter.

C. Decisions of the Planning Commission: The decisions of the Planning Commission shall be by majority vote of the members present and voting, a quorum being present. The Chair can make and/or second motions but and shall only not vote except in cases of a tie vote by the other commissioners. If the Vice-Chair or temporary acting Chair is presiding over a meeting, the same rule shall apply. In the event of a member's abstention based on a conflict of interest or other disqualification, the abstention shall count as if that member was absent and the number of persons necessary for a majority shall be reduced accordingly without affecting the quorum. Recommendations to the Mayor and Council shall be for the approval, approval with conditions, or denial of an application. Final decisions on applications or matters before the Planning Commission shall be approved, approved with conditions, or denied. Items may be tabled and, when tabled, shall be held until the next regularly scheduled voting meeting unless otherwise specified in the vote to table such item. Decisions of the Planning Commission shall be made in accordance with the standards established in the Code and by applicable state and federal laws.

Ms. Prince added, at the August 23, 2016 meeting, the Planning & Zoning Commission recommended approval of the amendments.

Williams moved to approve Amendments to Planning and Zoning Commission Bylaws. Brewer seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider R-32-16 – NPDES Permit Compliance.

Alan Jones, Assistant City Manager stated, Staff has reviewed Task Order Form 167E for the work required to complete the 2016 Annual Report from ISE that is mandated by the EPD to be completed each year to be in compliance with the City's NPDES Phase II Municipal Separate Storm Sewer System (MS4) stormwater permit. The GA EPD requires the City to submit the annual report on or before December 31, 2016.

He explained, the work outlined in the TOF will address necessary requirements set forth by EPD. The total cost of the project will be \$49,940 and the money will come out of the stormwater operating budget. This is higher than previous compliance years due to EPD requiring that a visual

inspection of the stormwater infrastructure take place each year. To meet this mandate, we have broken the City's stormwater infrastructure into 5 sectors with each sector being inspected from December 2012 – December 2017.

He added, City staff has relied on the engineering consultant with previous compliance years through the Engineering Design Services Contract which was last approved on March 15, 2013. Staff is requesting that we be allowed once again to use this approved contract for these compliance services.

He asked for approval of TOF #167E to release Integrated Science and Engineering to begin work on the Annual Report.

Stacy moved to approve R-32-16 – NPDES Permit Compliance. Brewer seconded the motion. Motion carried unanimously.

#### **City Manager and Staff Reports:**

Assistant City Manager Alan Jones said we had a very well attended town hall meeting last Tuesday night to discuss Highway 54E Corridor and Dollar General. Jahnee Prince will be researching questions and responding to citizens on the subject of the tree deforestation and development moratorium at the Dollar General location.

#### **City Council and Committee Reports:**

Councilmember Stacy will look into having a sign erected at the entrance to the Ridge Nature Area (in cul-de-sac) to show vehicles where they can park.

Councilmember Stacy also said the Community Town Hall meeting at Destiny Church Tuesday night was very positive.

#### **Mayor's Comments:**

Mayor Johnson said there will be a 9/11 prayer service at 7pm that Sunday evening at the Gazebo for all that are interested in attending.

He reminded Council to change dress code back to business attire for the City Council meetings.

#### **Public Comments:**

Salli Rees and Kathy McCoy, who spoke during the meeting about their support of BioLife had concerns about Council not supporting this business and wanted explanations from Council members that voted against it. Mayor Johnson spoke for Council, explaining they trusted and went along with

Planning and Zoning's recommendation and the Comp Plan for the City. They took into consideration the citizens of Fayetteville as a whole when making their decision.

Shirley moved to adjourn the meeting. Stacy seconded the motion. The motion carried unanimously.

Respectfully submitted,

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Anne Barksdale, City Clerk